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Every man's Companion - 1843

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*First Souvenir ever printed
in Somerville, Sep. 2. 1843*

EVERY MAN'S COMPANION,

AND

CITIZEN'S GUIDE;

SHOWING

THE POWERS AND DUTIES OF TOWN OFFICERS,

AND

RIGHTS OF CITIZENS;

BEING

A SELECTION CAREFULLY MADE FROM THE REVISED STATUTES OF
THE COMMONWEALTH OF MASSACHUSETTS

SOMERVILLE:

PRINTED AND PUBLISHED BY EDMUND TUFTS.

1843.

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TO THE PUBLIC.

The Publisher of the following "Extracts from the Revised Statutes of Massachusetts," has for some time been aware that a few pages of the most important laws, selected with care, was much wanted by a great majority of the people, and his opinion was strengthened by the suggestions of several individuals who felt that the price of the whole was more than they could afford, as a large portion of the laws very seldom concerned them. The publisher hopes that his selections will meet the wants of the people in general.

Somerville, February, 1843.

EVERY MAN'S COMPANION.

CHAPTER 4.

SECTION 3. The selectmen, moderator, or town clerk, at any meeting held for the election of town or other officers, shall be provided with a complete list of the persons qualified to vote at such election; and no person shall vote at any election, whose name shall not have been previously placed upon such list, nor until the selectmen, moderator, and town clerk presiding at such meeting, shall have had opportunity to find such voters name on the list.

Sect. 6. If any person, knowing himself not to be a qualified voter, shall, at any election, wilfully give in a vote, for any officers to be then chosen, he shall forfeit a sum not exceeding one hundred dollars, for each offence.

Sect. 7. If any voter shall knowingly give in more than one ballot, at any one time of balloting, at any election, he shall forfeit a sum not exceeding one hundred dollars.

Sect. 8. If any person shall wilfully give any false answer to the selectman or moderator, presiding at any election, he shall forfeit, for each offence, a sum not exceeding one hundred dollars.

Sect. 10. If any person shall be disorderly in any meeting, held for any election mentioned in this chapter, he shall forfeit a sum not exceeding twenty dollars.

CHAPTER 7.

Section 1. A poll tax shall be assessed upon every male inhabitant of the Commonwealth, between the ages of sixteen and seventy years, whether a citizen of the United States, or an alien, in the manner hereinafter provided in this chapter.

Section 2. All property, real and personal, of the inhabitants of this state, not expressly exempted by law shall be subject to taxation, in the manner provided in this chapter.

Sect. 3. Real estate shall, for the purposes of taxation, be construed to include all lands within this state, and all buildings and other things erected on or affixed to the same.

Sect. 4. Personal estate shall, for the purposes of taxation, be construed to include all goods, chattels moneys and effects,

wheresoever they may be, all ships and vessels, whether at home or abroad, all moneys at interest, due the persons to be taxed, more than they pay interest for, and all other debts due to them more than they are indebted for, all public stocks and securities, stocks in turnpikes, bridges and all monied corporations, whether within or without the state, and also income from any profession, trade or employment, or for an annuity, unless the capital of such annuity shall be taxed in this state ; and all other property returned in the last preceding valuation, for the purpose of taxation.

Sect. 5. The following property shall be exempted from taxation, namely ;—

First. The property of the United States and of the Commonwealth.

Secondly. The personal property of all literary, benevolent, charitable and scientific institutions, incorporated within this Commonwealth, and such real estate belonging to such institutions, as shall actually be occupied by them, or by the officers of said institutions, for the purposes for which they were incorporated.

Thirdly. The Bunker Hill Monument.

Fourthly. The household furniture of every person, not exceeding one thousand dollars in value ; and also his wearing apparel, farming utensils, and mechanics tools necessary for carrying on his business.

Fifthly. All houses of religious worship, and the pews and furniture within the same, (except for parochial purposes) and all tombs and rights of burial.

Sixthly. All mules, horses, and neat cattle less than one year old ; and all swine and sheep less than six months old.

Seventhly. The polls and estates of all Indians.

Eighthly. The polls and estates of persons, who, by reason of age, infirmity and poverty, may, in the judgment of the assessors, be unable to contribute towards the public charges.

Sect. 6. The poll tax shall be assessed upon each taxable person in the town, where he shall be an inhabitant on the first day of May in each year ; provided, however, that all minors, liable to taxation, shall be taxed for their polls, in the towns where the parents, masters, or guardians, who have the control of the persons of such minors, may reside ; and if any such minor shall have no parents, master or guardian within this state, he shall be personally taxed for his poll, as if he were of full age ;

and the poll tax of every other person under guardianship, shall be assessed to his guardian, in the town where the guardian is taxed for his own poll.

Sect. 7. All taxes on real estate shall be assessed, in the town where the estate lies, to the person, who shall be either the owner or in possession thereof, on the first day of May ; and in cases of mortgaged real estate, the mortgagor shall, for the purposes of taxation, be deemed the owner, until the mortgagee shall take possession, after which the mortgagee shall be deemed the owner.

Sect. 8. When a tenant, paying rent for real estate, shall be taxed therefor, he may retain out of his rent, the one half of the taxes paid by him ; and when a landlord is assessed for such real estate, he may recover the one half of the taxes paid by him and his rent, in the same action against his tenant ; unless there be an agreement to the contrary.

Sect. 9. All personal estate, whether within or without this state, shall, except in the cases enumerated in the following section, be assessed to the owner in the town where he shall be an inhabitant on the first day of May.

Sect. 10. The excepted cases mentioned in the preceding sections are the following, namely :

First. All goods wares and merchandize, or any other stock in trade, including stock employed in the business of any of the mechanic arts, in towns within the state, other than where the owners reside, shall be taxed in those towns, if the owners hire or occupy stores, shops or wharves therein, and shall not be taxable where the owners reside.

Secondly. All machinery, employed in any branch of manufactures and belonging to any corporation, shall be assessed to such corporation, in the town or other place, where such machinery may be situated or employed ; and, in assessing the stockholders, for their shares in any manufacturing corporation, there shall first be deducted from the value thereof, the value of the machinery and real estate belonging to such corporation.

Thirdly. All horses, mules, neat cattle, sheep and swine, kept throughout the year, in towns other than where the owners reside, shall be assessed to the owners, in the towns where they are kept.

Fourthly. All personal property, belonging to minors under guardianship, shall be assessed to the guardian, in the town

where he is an inhabitant ; and the personal property of all other persons under guardianship shall be assessed to the guardian, in the town where the ward is an inhabitant.

Fifthly. All personal property, held in trust by any executor, administrator or trustee, the income of which is to be paid to any married woman or other person, shall be assessed to the husband of such married woman, or to such other person, respectively, in the town of which he is an inhabitant ; but if such married woman, or other person reside out of the state, the same shall be assessed to said executor, administrator or trustee, in the town where he resides.

Sixthly. Personal property placed in the hands of any corporation or individual, as an accumulating fund, for the future benefit of heirs or other persons, shall be assessed to the person for whose benefit the same is accumulating, if within the state, otherwise to the person so placing it, or his executors or administrators, until a trustee shall be appointed, to take charge of such property, or of the income thereof.

Seventhly. The personal estate of deceased persons, which shall be in the hands of their executors or administrators and not distributed, shall be assessed to the executors and administrators, in the town where the deceased person last dwelt, until they shall give notice to the assessors, that the estate has been distributed and paid over to the parties interested therein.

Eighthly. All property, held by any religious society, as a ministerial fund, shall be assessed to the treasurer of such society ; and if such property consists of real estate, it shall be taxed in the town, where such property lies ; and if it consists of personal property, it shall be taxed in the town, where such society usually hold their meetings.

Sect. 11. When personal property is mortgaged or pledged, it shall, for the purposes of taxation, be deemed the property of the party who has the possession.

Sect. 12. The undivided real estate of any deceased person may be assessed to the heirs or devisees of such person, without designating any of the heirs or devisees by name, until they shall have given notice to the assessors of the division of the estate, and the names of the several heirs or devisees ; and each heir or devisee shall be liable for the whole tax, and shall have a right to recover of the other heirs or devisees their respective proportions thereof when paid by him.

Sect. 18. Partners in mercantile or other business, whether

residing in the same or different towns, may be jointly taxed, under their partnership name, in the town where their business is carried on, for all the personal property employed in such business; and if they have places of business in two or more towns, they shall be taxed in those several towns, for the proportions of property employed in such towns, respectively; and, in case of being so jointly taxed, each partner shall be liable for the whole tax.

Sect. 19. Before proceeding to make any assessment, the assessors shall give seasonable notice thereof, to the inhabitants of their respective towns, at any of their meetings, or by posting up in their towns one or more notifications, in some public place or places, or by some other sufficient manner; and such notice shall require the inhabitants to bring in to the assessors, within a time therein specified, true lists of all their polls and estates, both real and personal, not exempted from taxation.

Sect. 20. The assessors may, in all cases, require any person bringing in such list, to make oath, that the same is true; which oath may be administered by either of the assessors.

Sect. 21. The assessors of each town shall, at the time appointed, make a valuation of all the estates, real and personal, subject to taxation therein.

Sect. 22. The assessors shall receive, as the true valuation of the property of each individual, the list, if any, brought in by him according to the provisions of this chapter, unless he shall on being thereto required by the assessors, refuse to make oath that the same is true.

Sect. 23. If any person shall not have brought in such list, the assessors shall ascertain, as nearly as possible, the particulars of his personal estate, and of the real estate in his possession or occupation, as owner or otherwise, and make an estimate thereof, at its just value, according to their best information and belief.

Sect. 24. Such estimate shall be entered in the valuation, and shall be conclusive upon all persons, who shall not seasonably have brought in lists of their estates, unless they can show a reasonable excuse for the omission.

Sect. 25. The assessors may include, in the same assessment, their state, county, and town taxes, or any two of them, whenever they shall think it convenient.

Sect. 26. In the city of Boston, all taxes, assessed for city or county purposes, may be assessed separately, as county

taxes, and as city taxes, or under the denomination of city taxes only, as the city council shall from time to time direct.

Sect. 27. The assessors shall assess upon the polls, as nearly as the same can be conveniently done, one sixth part of the whole sum to be raised ; provided the whole poll tax assessed in any one year, upon any individual, for town and county purposes, except highway taxes, shall not exceed one dollar and fifty cents ; and the residue of the said whole sum to be raised shall be apportioned upon property, in the manner provided in this chapter.

Sect. 28. The assessors may add to the amount of any tax, to be assessed, such a sum not exceeding five per cent. of the same, as any fractional divisions of the same amount may render convenient, in the apportionment thereof.

Sect. 29. The assessors shall make a list of the valuation and the assessment thereon, and shall, before the taxes assessed are committed for collection, deposit the same, or an attested copy thereof in their office, or, if there be no office, then with their chairman, for public inspection.

Sect. 30. The first part of said list shall exhibit the valuation and assessment of the polls and estates of the inhabitants assessed ; and it shall contain in separate columns, the following particulars to wit :

The names of the inhabitants assessed ; and opposite to their names,

The number of polls.

The amount of their poll tax.

The description of their real estate.

The true value of their real estate.

The tax assessed on such real estate.

The description of their personal property.

The true value of their personal property.

The tax on their property.

The sum total on each man's tax.

Sect. 32. The assessors shall, within a reasonable time, commit the said tax list, with their warrant, under their hands, to the collector for collection.

Sect. 33. The warrant of the assessors shall specify the duties of the collector, as prescribed by law, in the collection of taxes, and the times when, and the persons to whom, the same shall be paid in by the collector, and it shall be substantially in the form heretofore used, except it shall not be required to be under seal.

Sect. 34. If there be no collector, the assessors shall commit the tax lists, with their warrant, in the form prescribed in the preceding section, to the sheriff or his deputy, whose duty it shall be to collect such taxes.

Sect. 35. Any town may at their annual meeting, allow a discount of such sums, as they may think expedient, to those persons who shall make voluntary payment of their taxes, within such periods of time, as the town shall prescribe for that purpose; and in such case the collectors shall make such discount accordingly.

Sect. 36. When a discount shall be allowed, as provided in the preceding section, the assessors shall, at the time of committing their warrant to the collector, post up, in one or more public places within the town, notice of the rates of discount.

Sect. 37. Any person, aggrieved by the taxes assessed upon him, may apply to the assessors for an abatement thereof; and, if he shall make it appear to them, that he is taxed more than his just proportion, they shall make a reasonable abatement to him; and they may for this purpose examine upon oath, (which may be administered by either of them,) the person so applying, and any witnesses whom he or they may see fit.

Sect. 38. If any legal costs shall have accrued, before making any such abatement, as provided for in this chapter, the person, applying for the abatement, shall, notwithstanding, pay such costs.

Sect. 39. If the assessors shall refuse to make an abatement to any person, he may make complaint thereof to the county commissioners, and if, upon the hearing of such complaint, it shall appear that the complainant is over-rated, the said commissioners shall make such an abatement of his taxes, as they shall deem reasonable; provided, that the party aggrieved shall, in all cases, file his complaint with the clerk of the commissioners, within one month after the refusal of the assessors to allow an abatement.

Sect. 40. No person shall have any abatement made, by the commissioners, unless he shall have brought in a list of his estate to the assessors, or shall show good cause for not having so done, and unless he shall, if required by the assessors, have made oath to the truth of the same.

Sect. 41. No abatement shall be allowed to any person, unless he shall have made application therefor, within six months after the date of his tax bill.

Sect. 42. Any person, who shall have an abatement made, shall, if his tax has been paid, be reimbursed out of the treasury of the town, to the amount of the abatement allowed, together with all charges, except the legal costs, provided for in the thirty-eighth section of this chapter.

Sect. 43. Every person, whose tax shall be abated, shall be entitled to a certificate thereof from the assessors, or clerk of the commissioners, or other proper officer.

Sect. 44. The assessors shall not be responsible for the assessment of any tax, in any town, parish, religious society, or school district, for which they are assessors, when such tax shall have been assessed by them, in pursuance of any vote for that purpose, certified to them by the clerk or other proper officer of such town, parish, religious society or school district; but they shall, in such case, be responsible only for the want of integrity and fidelity on their own part.

Sect. 45. Each assessor shall be paid by his town the sum of one dollar a day, for every whole day, that he shall be employed in that service, together with such other compensation as the town shall allow.

CHAPTER 8.

Section 1. Every collector of taxes, and every constable, receiving any tax list and warrant from the assessors, shall proceed to collect the taxes therein mentioned according to the warrant.

Sect. 2. Every collector shall complete his collection of the taxes committed to him, notwithstanding his term of office shall have expired, before completing the same; except in the case where he shall be removed from office by the assessors, as provided in this chapter.

Sect. 3. The collector shall, before distraining the goods of any person for his tax, demand payment thereof from such person, if to be found within his precinct; which demand shall be made, either of the party personally, or at the place of his usual abode.

Sect. 4. If any person shall claim the benefit of an abatement, he shall exhibit to the collector demanding his taxes, a certificate of his abatement, from the assessors or other proper officer, as provided in the seventh chapter; and he shall be liable to pay all costs and officer's fees, incurred before he shall have exhibited such certificate.

Sect. 5. If, in the assessor's lists, or in their warrant and list committed to the collectors, there shall be any error in the name of any person taxed, the tax assessed to him may, notwithstanding such error, be collected of the person intended to be taxed, provided he is taxable and can be identified by the assessors.

Sect. 6. Any collector, when resisted or impeded in the exercise of his office, may require any suitable person to aid him therein; and if such person shall refuse to render such aid, he shall forfeit, to the use of the town where the offence is committed, a sum not exceeding ten dollars.

Sect. 7. If any person shall refuse or neglect to pay his tax, the collector shall levy the same by distress and sale of his goods, excepting the goods following, namely :

The tools or implements necessary for his trade or occupation; beasts of the plough necessary for the cultivation of his improved lands; military arms, utensils for house keeping necessary for upholding life, and bedding and apparel necessary for himself and family.

Sect. 8. The collector shall keep the goods distrained, at the expense of the owner, for the space of four days, at the least, and shall, within seven days after the seizure, sell the same by public auction, for the payment of the tax and charges of keeping and of the sale, having given notice of such sale, by posting up a notification thereof, in some public place in the town, forty eight hours at least before the sale.

Sect. 9. The collector may, if he see fit, once adjourn such sale, for a time not exceeding three days ; in which case, he shall forthwith give notice of such adjournment, by posting up a notification thereof, at the place of sale, when he makes such adjournment.

Sect. 10. If the distress shall be sold for more than the tax and the charges of keeping the distress and making the sale, the collector shall return the surplus to the owner, upon demand, with an account, in writing, of the sale and charges.

Sect. 11. If any person shall refuse or neglect, for fourteen days after demand thereof made, to pay his tax, and the collector cannot find sufficient goods, upon which it may be levied, he may take the body of such person and commit him to prison, there to remain, until he shall pay the tax and charges of commitment and imprisonment, or shall be discharged by order of law.

Sect. 12. When the credit of any person taxed shall be considered doubtful by the assessors, they may order the col-

lector forthwith to compel payment by distress or imprisonment, whether the tax be made payable immediately, or at a future day, or by instalments, or otherwise.

Sect. 13. When the collector shall commit any person to prison, he shall give the keeper of the prison an attested copy of the warrant, with a certificate thereon, under the hand of the collector, setting forth the sum, which such person is to pay as his tax, with the cost of taking and committing him, and upon his having neglected payment for fourteen days, or otherwise as the case may be, and for want of goods whereof to make distress, he has taken his body.

Sect. 14. When any person shall, after the assessment of a tax upon him, remove out of the precinct of the collector, without paying his tax, the collector may demand payment thereof, wherever such person may be found; and, in default of payment, the collector may forthwith proceed to collect the tax by making a distress, or by commitment of such person to the prison of the county where he may be found.

Sect. 15. When any person, who is taxed, shall remove as aforesaid, or shall die, or being an unmarried woman, shall be married before payment of the tax, the collector may in his own name, maintain an action of debt or assumpsit, in like manner as for his own debt, and he may, for that purpose in like manner, have a process of foreign attachment against any trustee of such person, as provided in the 109th chapter.

Sect. 16. When any person shall be taxed for real estate in his occupation, but of which he is not the owner, the collector, after demand of payment, may levy the tax by distress and sale of any cattle, sheep, horses, swine, or other stock, or any produce of said estate, belonging to the owner thereof, which, within nine months after such assessment is committed to him, shall be found upon the premises, in the same manner, as if such stock or produce were the property of the person so taxed.

Sect. 17. No demand need be made as provided in the preceding section, if the person, on whom the tax is assessed, shall have resided within the precinct of the collector, at the time of the assessment, and shall subsequently remove therefrom, and remain absent three months.

Sect. 18. Taxes assessed on real estate shall constitute a lien thereon, for two years after they are committed to the collector; and may, together with all incidental costs and expenses, be levied by sale thereof, if the tax is not paid within fourteen days, after a demand of payment made either upon the

person taxed, or upon any person occupying the estate ; such sale to be conducted in the manner provided in this chapter, for the sale of lands of non-resident proprietors for non-payment of taxes : but nothing in this section shall restrain the collector from selling any real estate for taxes after the said term of two years shall have elapsed, unless such estate shall have been alienated in the mean time.

Sect. 19. When any tax on real estate shall be assessed to any non-resident owner thereof, the collector may at his election, collect such tax of said owner, in like manner as in the case of a resident owner, or he may collect the same by the sale of such real estate, in the manner hereinafter provided in this chapter.

Sect. 20. If any non-resident owner of real estate shall, previous to the assessment of any tax, have given a written authority to some inhabitant of such town, as his attorney, to pay the taxes imposed on such estate, and such authority shall have been filed with, or recorded by, the clerk of such town, the demand of payment shall be made upon such attorney ; otherwise no demand need be made of payment of taxes assessed on the real estate of non-resident owners.

Sect. 21. In case of a demand made upon the attorney of a non-resident owner, as is required in the preceding section, the collector shall not proceed to advertise the sale of the lands, until after two months from the time of such demand.

Sect. 22. The affidavit of any disinterested person, or of the collector who shall make such sale, as provided for in the three preceding sections, being taken before a justice of the peace, and recorded by the clerk of the town, where the land lies, before any sale is made, and stating the demand of payment of the tax, the person of whom, and the time and manner in which, it was made, shall be admitted as competent evidence of the demand.

Sect. 23. The affidavit of any disinterested person, taken before a justice of the peace, of the posting up of notifications of the sale of land, by any collector or other officer for the payment of taxes, shall be admitted as competent evidence of the fact of notice, upon any trial on the validity of such sale ; provided, that such affidavit, made upon one of the original advertisements, or upon a copy of one of them, be filed and recorded in the registry of deeds of the county where the land lies, within six months after such sale.

Sect. 24. The collector shall give notice of the time and

place of sale of any real estate taken for taxes, by an advertisement thereof three weeks successively in some newspaper of the county where the real estate lies, if there be any such newspaper, and if not, then in a newspaper printed in any adjacent county ; the last publication of which advertisement shall be at least one week before the time of sale.

Sect. 25. The advertisement required in the preceding section, shall state the names of all the owners, if known to the collector, with the amount of taxes assessed on their lands respectively ; and, where the owners are not so known, the advertisement shall state the amount of taxes on the several rights, lots, or divisions of the real estate to be sold as aforesaid.

Sect. 26. When any real estate, to be sold under the provisions of this chapter, is situated in any town, the name of which shall have been changed by law, within three years next preceding the sale, the collector shall, in his advertisement and notices of the sale, designate such town by its former and also its present name.

Sect. 27. The collector shall also post a notice, similar to that required by the two preceding sections, in some convenient and public place in his precinct, three weeks before the time of sale.

Sect. 28. If no person shall appear to pay the taxes, at the time and place appointed for the sale of real estate taken for taxes, the collector shall sell, by public auction, so much of the real estate, as shall be sufficient to discharge such taxes and all necessary intervening charges.

Sect. 29. If, in the opinion of the collector, any parcel of real estate cannot be conveniently divided, and a part thereof set off, without injury to the residue, he may, as he shall judge to be most for the public interest, either take and sell the rents and profits of the whole parcel, by public auction, for such term of time, as shall be sufficient to discharge the tax thereon, with necessary intervening charges, or he may sell the whole of the land itself, and, after first satisfying such taxes and charges, shall pay over the residue of the proceeds of the sale to the owner of the estate upon demand.

Sect. 30. The collector may adjourn his sale from day to day, not exceeding seven days in the whole ; and he shall give notice of every such adjournment by a public declaration thereof, at the time and place previously appointed for the sale.

Sect. 31. The collector shall execute and deliver to the purchaser a deed of the real estate, or of the rents and profits

sold ; which deed shall state the cause of sale, the price for which the estate, or rents and profits were sold, and if the real estate shall have been sold, shall convey, subject to the right of redemption, provided for in the next section, all the right and interest, which the owner had therein, at the time when the same was taken for his taxes.

Sect. 32. The owner of real estate, sold for payment of taxes, or his heirs or assigns, may at any time within two years from the day of sale, redeem the estate sold, by paying or tendering to the purchaser, or his heirs or assigns, the sum paid by him, with ten per cent. interest and all necessary intervening charges ; and, when the rents and profits shall be sold for the payment of taxes, the same may be redeemed at any time within the said two years, in the manner provided in the 73rd chapter, for the redemption of rents and profits taken on execution.

Sect. 33. When any town shall neglect to choose a collector, the sheriff of the county or his deputy shall collect the taxes assessed therein, as provided in the seventh chapter.

Sect. 34. When the tax list and warrant of the assessors shall be committed to the sheriff, or his deputy, he shall forthwith post in some public place, in the town assessed, an attested copy of such tax list and warrant ; and shall make no distress for any tax, till after thirty days from the time of posting up such copy.

Sect. 35. If any person shall pay his tax on such list, within the thirty days mentioned in the preceding section, the officer shall receive for his fees five per cent. on the sum assessed ; but if any tax shall remain unpaid after the said thirty days, the officer shall proceed to collect the same, by distress or imprisonment, in the same manner as collectors are in this chapter required to proceed in the like cases ; and the officer may also levy his fees for service and travel, in the collection of each persons's tax, as in other cases of distress and commitment.

Sect. 36. Where the inhabitants of a town shall have voted to appoint their treasurer a collector, he may issue his warrant to the sheriff of the county, or his deputy, or any of the constables of the town, returnable in thirty days, requiring them to collect all taxes due ; and such warrant shall be in substance the same with that prescribed to be issued by the assessors to the collectors.

Sect. 37. If any town shall, for five months after receiving a warrant from the treasurer of the Commonwealth, for assessing a state tax, or the warrant, order, or notice from lawful au-

thority, for the apportionment of any county tax, neglect to choose assessors and to cause the assessment thereof to be certified as the law requires, the town so neglecting shall be liable to an action of debt, for the recovery of the amount of such tax, at the suit of the treasurer of the state or of the county respectively.

Sect. 38. If any collector of taxes shall neglect to pay, within the time required by law, such sums of money as ought by him to be paid to the state treasurer or county treasurer, respectively, the town, by which such collector was appointed, shall be liable for such sums, to be recovered in an action of debt, as provided in the preceding section.

Sect. 39. If any collector shall die before completing his collection of any tax committed to him, the assessors may appoint some suitable person to complete the collection, who shall receive a reasonable compensation, to be paid by the town, and they may commit the same tax list to him, with their warrant accordingly ; and shall have the same power and duties, and be under the same liability, as other collectors are.

Sect. 40. If any collector shall become insane, or otherwise, in the judgment of the assessors, unable to discharge his duty, or shall abscond, or shall remove, or, in the judgment of the assessors, shall be about to remove, from the town, or shall refuse, on demand, to exhibit to the selectmen or assessors his accounts of collections, as provided in this chapter, the assessors may remove him from office and appoint another collector, as in the case of the death of the collector.

Sect. 41. In case of the death or removal from office of any collector, it shall be the duty of his executors or administrators, and of all other persons, into whose hands any of his unsettled tax lists may come, forthwith to deliver the same to the assessors.

Sect. 42. If, in consequence of the collector's failing, without his own default, to collect any tax, there shall be a deficiency of the amount due on any state, or county tax, it shall be supplied by the collector from the proceeds of the collection of town taxes, if any, in his hands ; and, if he have none, by the town treasurer, on the written requisition of the collector.

Sect 43. The collector shall be credited with all sums abated according to law, and with the amount of taxes assessed upon any person, who has been committed to prison within one year from the receipt of the tax list by the collector, and

has not paid his tax, and also with any sums, which the town may see fit to abate to him, due to persons who shall have been committed after the expiration of a year.

Sect. 44. If any collector shall neglect seasonably to pay any state or county tax committed to him, whereby the town shall be compelled to pay the same, or shall neglect seasonably to account for and pay in any town tax committed to him, the town may recover the amount thereof, with all damages sustained through such neglect, with interest, by an action on his official bond, if any shall have been given, and, if none, by an action for money had and received.

Sect. 45. Every collector shall, once in every two months, if required, exhibit to the selectmen, and, where there are no selectmen, to the assessors, a true account of all moneys received on the taxes committed to him, and produce the treasurer's receipts, for all moneys paid into the treasury by him.

Sect. 46. If any collector shall neglect so to exhibit his accounts, he shall forfeit to the use of his town the sum of two and a half per cen. on the sums committed to him for collection.

Sect. 47. Each collector shall be paid such compensation for his services as the town shall determine.

CHAPTER 15.

Of the Powers and Duties of Towns.

Sect. 1. The boundary lines of every town shall remain as now established.

Sect. 2. There shall be a perambulation of the boundary lines between towns, and the lines shall be run and the marks renewed, once in every five years, by two or more of the selectmen of each town, or such substitutes as they shall in writing appoint for that purpose ; and the proceedings in the case, after every such renewal, shall be recorded in the town records of the respective towns.

Sect. 4. The selectmen of the contiguous towns shall cause to be erected, at the joint and equal expense of such towns; permanent monuments to designate their respective boundary lines, at every angle thereof, except where such lines are bounded by the ocean or by some permanent stream of water ; and the said monuments shall be of stone, well set in, and at least four feet high, from the surface of the ground ; and the initial letter of the respective names of said contiguous towns

shall be plainly and legibly cut thereon ; provided, however, that it shall not be necessary to erect a new monument in any place, where any permanent one already exists, of two feet in height, above the surface of the ground.

Sect. 12. Towns shall have power, at any legal meeting, to grant and vote such sums of money as they shall judge necessary for the following purposes, that is to say :

For the support of town schools.

For the support and maintenance of the poor :

For burial grounds ; and

For all other necessary charges arising within the same town.

Sect. 14. The by-laws duly made by any town shall be binding upon all persons coming within the limits thereof, as well as upon the inhabitants of such town.

Sect. 15. All by-laws made by any town shall be published in one or more newspapers printed in the county where such town is situated.

Sect. 16. Towns may accept any town or private way laid out by their selectmen ; and they may alter or discontinue any such way, according to the provisions of the 24th chapter.

Town Meetings.

Sect. 17. Every male citizen, of twenty one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the state one year, and within the town, in which he may claim a right to vote, six months next preceding any meeting for the transaction of town affairs, and who shall have paid, by himself or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such meeting, have been assessed upon him in any town ; and also, every citizen who shall be by law exempted from taxation, and who shall in all other respects, be qualified as aforesaid, shall have a right to vote at such town meetings, upon all questions concerning town affairs ; and no other person shall be entitled to vote at such meeting.

Sect. 18. The annual meeting of each town shall be held in the month of March or April ; and other meetings shall be held at such other times as the selectmen shall order.

Sect. 19. Every town meeting shall be held in pursuance of a warrant under the hands of the selectmen, directed to the constables or some other persons, appointed by the selectmen for that purpose, who shall forthwith notify such meeting, in

the manner which shall have been ordered by the by-laws, or by any vote of the town.

Sect. 20. The selectmen may, by the same warrant, call two or more distinct town meetings for distinct purposes.

Sect. 21. The warrant shall express the time and place of the meeting, and the subjects to be there acted upon ; and nothing acted upon shall have any legal operation, unless the subject matter thereof shall have been inserted in the warrant for calling the meeting.

Sect. 22. The selectmen shall insert in the warrant all subjects, which may, in writing, be requested of them by any ten or more voters of such town.

Sect. 25. Any town meeting may be adjourned from time to time, and to such place, within the same town, as the meeting shall determine.

Of the List of Voters.

Sect. 3. Chap. 3. The collectors shall twice in each year, namely, once in the month of February, not more than twenty days nor less than fifteen days before the first Monday in March, and once in the month of October, not more than twenty days nor less than fifteen days before the second Monday in November, return to the selectmen of their respective towns, an accurate list of all persons, from whom they shall have received payment of any state or county tax, subsequently to the time, appointed for making their last preceding return.

Sect. 5. Chap. 3. The selectmen shall, at least ten days before the first Monday of March and at least ten days before the second Monday of November annually, make out correct alphabetical lists of all the persons qualified to vote for the several officers, to be elected at those periods, respectively, and shall, at least ten days before the said elections, cause such lists respectively, to be posted up in two or more public places, in their respective towns.

Of Military Returns, how made.

The commanding officer of every company, on or before the first day of November, annually, shall make out and certify a list of the men in his company, residing in each town entitled to such pay for the preceding year, to the selectmen of such town, who, within ten days after shall examine said list, and order the treasurer of the town to pay to each person the sum to which he is entitled.

A law passed the legislature of 1840 requiring the mayor of every city or the selectmen of every town, to make a return to the Adjutant-general's office on or before the thirty-first day of December of each year, a list of all those military men who had been paid five dollars each for military bounty.

Form of town treasurer's order for the reimbursement of the military bounty paid by the several towns upon the Treasurer of the State.

To the Treasurer of the Commonwealth of Massachusetts.

Pay to ——— the sum of ———, being the amount paid out of the treasury of the town, (city, or district, as the case may be,) of ———, by order of the selectmen, (or mayor and aldermen, as the case may be,) thereof to (here insert the number of persons paid,) individuals for militia services, performed by them during the past year.

A. B., Treasurer of ———.

And the treasurer shall make oath to the truth of the facts stated in said order, before some justice of the peace, who shall certify the same upon said order.

Representatives.

Sect. 5. Chap. 5. All town meetings for the election of representatives in the general court, shall be notified by the selectmen of each town, in the manner legally established in such town, for calling other town meetings.

Sect. 6. The selectmen shall preside in such meetings, and they shall have all the powers, which are vested in moderators of town meetings ; they shall openly receive, sort and count the votes, there given by the qualified voters present, and shall forthwith publicly declare who are the persons elected.

Sect. 7. The election shall be recorded in the town records, together with the whole number of votes given in, and the names of all the persons, for whom they were given.

Sect. 8. The selectmen, within three days after such election, shall, either by a constable of the town, or by some other person thereto specially authorised by them, give notice of the choice to the representative elected ; and a certificate and return of such election shall be given, under the hands of the selectmen present, and shall be delivered into the office of the secretary of the Commonwealth, or such election shall be certified by the said selectmen to the house of representatives, to their acceptance, on or before the first Wednesday in January of every year.

CHAPTER 15. — TOWN OFFICERS. 21

Sect. 9. The certificate of such election shall be, in substance, as follows, to wit ;

Commonwealth of Massachusetts, county of . Pursuant to a law of this Commonwealth, the qualified voters of the town of , in town meeting, on the day of , instant, for the choice of representatives in the general court, did elect , being an inhabitant of said town, to represent them in the general court, to be holden on the first Wednesday of January next. Dated , the day of , in the year one thousand eight hundred and .

} Selectmen of

Sect. 10. The certificate aforesaid shall have a return thereon, signed by the constable or other person specially authorised to give such notice, and stating that notice of the choice was given to the person, therein mentioned to be elected, and that said person was summoned to attend the general court accordingly.

Of the elections qualifications and duties of Town officers.

Sect. 33. At the annual meeting, every town shall choose, from among the inhabitants thereof, the following town officers, who shall serve during the year, and until others shall be chosen and qualified in their stead, that is to say :

A town clerk, who, if present, shall be forthwith sworn to the faithful discharge of his duty, either by the moderator of the meeting, or by any justice of the peace :

Three, five, seven, or nine selectmen.

Three or more assessors, and, if the town shall deem it expedient, three or more assistant assessors :

Three or more overseers of the poor :

A town treasurer.

A school committee of three, five or seven persons :

One or more surveyors of highways :

Constables, who shall also be collectors of taxes, unless other persons shall be specially chosen collectors :

Tythingmen, unless the towns shall vote that it is not expedient to choose the same :

Field drivers :

Fence viewers :

Surveyors of lumber :

Measurers of wood and bark, unless the town shall authorise the selectmen to appoint them :

Sealers of leather : and all other usual town officers.

All the town officers, designated by name in this section, except the overseers of the poor, tythingmen and the school committee, shall be sworn to the faithful discharge of the duties of their respective offices.

Sect. 34. The election of town clerks, selectmen assessors, school committees and town treasurer, and also of the moderator of the meetings, held for the choice of town officers shall be by written ballots; and the election of all other town officers shall be in such mode as the meeting shall determine.

Sect. 35. Every town, which shall neglect to make choice of selectmen or assessors, shall forfeit a sum not exceeding five hundred, nor less than one hundred dollars, as the county commissioners of the county, in which such town is, shall order.

Sect. 37. In case of such neglect to choose selectmen or assessors, the county commissioners may appoint three or more assessors for such town.

Sect. 38. The selectmen of each town shall, in the month of March or April, annually, appoint the following town officers, unless the inhabitants themselves, at their annual meeting shall choose them, namely ;

One sealer of weights and measures ; and any other number, which the inhabitants shall, at their annual meeting vote to have appointed ;

As many measurers of fire-wood and bark, (whose fees shall also be established by the selectmen,) as the inhabitants shall at their annual meeting determine ;

The selectmen of every town, which has town scales, for the weighing of hay, shall appoint one or more persons to have the superintendence of the hay scales belonging to their town.

Sect. 41. Every person, removing from the town in which he held a town office, shall be deemed thereby to have vacated such office.

Sect. 43. No person shall be obliged to serve in the same town office two years successively.

Town Clerk.

Sect. 44. The town clerk shall record all votes, passed at the meeting, at which he shall have been elected, and at other meetings, held during his continuance in office.

Sect. 45. The town clerk shall administer the oaths of office to all town officers, who shall appear before him for that purpose, and he shall make a record thereof, and also of all

who shall file certificates of their having been sworn before any justice of the peace.

Sect. 46. The town clerk shall keep a record of the births and deaths of all persons within his town, and coming to his knowledge ; and he shall specify in such record the day of each birth and death, and the names of the parents of such persons, if known.

Sect. 47. Parents shall give notice to the clerk of their town of all the births and deaths of their children ; and every householder shall give the like notice of every birth happening in his house ; and the eldest person next of kin shall give such notice of the death of his kindred ; and the keeper of any alms house, work house, house of correction, prison or hospital, and the master or other commanding officer of any ship, shall give the like notice of every birth and death, happening among the persons under his charge ; and every person neglecting to give such notice, for the space of six months, after the birth or death shall have happened, shall forfeit to the use of the town a sum not exceeding five dollars.

Sect. 48. In case there shall be no justice of the peace in the same town, the town clerk may administer the necessary oaths to any persons, appointed by the judge of probate, to appraise or divide any real estate, to set off dower, or to perform any other service, respecting the property of persons deceased ; a certificate of which oaths shall be returned into the probate office, from which the commission or warrant issued.

Selectmen.

Sect. 52. The selectmen shall be assessors of taxes and overseers of the poor, in towns where other persons shall not be specially chosen to those offices, respectively, by the inhabitants.

Sect. 53. When the selectmen shall be assessors, they shall take the assessors' oath, as provided in this chapter.

Sect. 54. Every person elected to the office of selectman of any town, who shall enter upon the performance of the duties of his office before taking the oath of office, shall forfeit to the use of his town, a sum not exceeding one hundred dollars for each offence.

Assessors of Taxes.

Sect. 55. The assessors' oath of office shall be in substance as follows ;

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You, being chosen assessors, or an assessor for the town of
for the ensuing year, do swear that you will impartially according to your best skill and judgment, assess and apportion all such taxes, as you may, during that time, be directed to assess and that you will faithfully discharge all other duties of said office.

Town Treasurer.

Sect. 58. The town treasurer shall receive and take charge of all sums of money belonging to his town ; and pay over and account for the same, according to the order of such town, or the officers thereof duly authorized in that behalf ; and he shall give bond, in such sum as the selectmen shall require.

Sect. 59. The treasurers of towns may, in their own names and official capacities, prosecute any suits upon bonds, notes, or other securities, given to them or to their predecessors in office.

Sect. 61. Any town treasurer, being appointed collector, may issue his warrant to the sheriff of the county, or his deputy, or to any constable of the same town, directing them to distrain the property or to take the body of any person, who may be delinquent in the payment of taxes, and to proceed therein, in like manner, as collectors are required to do, in the like cases, by the provisions of the eighth chapter.

Sect. 62. Treasurers of towns shall prosecute for trespasses, committed on any public building or inclosure, belonging to their towns ; and when any public building is owned partly by the town and partly by the county, such prosecution may be instituted, either by the treasurer of the town or of the county, whichever shall first prosecute therefor.

Sect. 63. The treasurers of towns, in all cases, where no other provision is specially made, shall prosecute for all fines and forfeitures, which may enure to the use of their towns, or of the poor thereof.

Sect. 64. Every town treasurer shall annually render a true account of all his receipts and payments, and other official doings, to the town.

Sect. 65. The compensation of the town treasurer for his services shall be determined by the town.

Constables.

Sect. 66. Any person chosen to the office of constable, not being exempted from serving therein, and being able in

person to execute the same, who shall refuse to take the oath and to serve in such office, shall forfeit to the use of the town the sum of twenty dollars.

Sect. 67. Every person chosen to the office of constable, shall, if present, forthwith declare his acceptance or refusal of the same ; and in case he shall not declare his acceptance, the town shall proceed to a new election, until some one shall accept the office and take the oath.

Sect. 68. Any person, who shall be present in town meeting, and declare his refusal to serve in the office of constable, or who shall neglect, for the space of seven days, after being summoned to take the oath of office, and shall not pay the fine aforesaid, shall be prosecuted therefor by the treasurer of such town.

Sect. 69. No person, who is in commission for any office of this state or of the United States, or who is a minister of the gospel, or a member of the council, senate or house of representatives, or who has been a constable or collector of taxes of any town, within seven years next preceding, shall be obliged to accept the office of constable.

Sect. 70. Constables shall serve all warrants and other processes, lawfully directed to them by the selectmen of their town, for notifying town meetings or for other purposes.

Sect. 71. Any constable may serve, within his own town, any writ or other process, in any personal action, in which the damages shall not be laid at a greater sum than seventy dollars.

Sect. 72. Any constable may serve any such writ or process, as described in the preceding section, and any warrant or other process, in criminal cases, in which his town, parish, or religious society or school district is a party or interested.

Sect. 73. Constables may also serve writs of replevin, in cases where the sheriff or his deputy shall be a party, and in which the value of the property, to be replevied, shall not exceed the sum of seventy dollars.

Sect. 74. When any unincorporated place is annexed to any town for the purpose of taxation, the constables of such town shall have and exercise, in such unincorporated place, the same powers as if the same were a part of their town.

Sect. 75. Every constable may, in the execution of a warrant or writ duly directed to him, convey, beyond the limits of his own town, as well any prisoners as things, in his custody under such process, either to the justice who issued it, or to the

common jail or house of correction of the county, of which such constable is an inhabitant.

Sect. 76. Constables shall take due notice of, and prosecute for all violations of, the laws respecting the observance of the Lord's day, and of the laws to prevent profane swearing, and the laws against gaming.

Sect. 77. Any constable in the execution of his office, may require aid and assistance, in the like cases as sheriffs may, by the provisions of the fourteenth chapter; and any person, neglecting or refusing to render such aid, shall be subject to the like fine and imprisonment, as for neglecting or refusing to render aid to sheriffs, mentioned in the same chapter.

Surveyors of Highways.

Sect. 81. If any person, chosen surveyor of highways, shall refuse to serve in that office, he shall forfeit, to the use of his town, a sum not exceeding ten dollars; but no person shall be obliged to serve in that office oftener than once in three years.

Sect. 82. Every surveyor of highways, who shall accept that trust and neglect the duties of his office, shall forfeit to the use of the town, the sum of ten dollars for each neglect.

Sect. 83. Any surveyor of highways may be prosecuted by indictment for any deficiency, in the highways within his limits, occasioned by his fault or neglect.

Sect. 84. In case any town shall be sentenced to pay a fine, for a deficiency in the highways or town ways within the same, the surveyor, within whose limits such deficiency may be found, shall be liable to the town, for the amount of such fines and all costs of the prosecution, to be recovered by the town in an action of the case, provided such deficiency exist through the fault or neglect of such surveyor.

Of keeping Watch.

CHAPTER 17. Section 1. Every male person of the age of eighteen years or upwards, being able of body, or having estate sufficient to hire a substitute, and who is not exempted by the provisions of the following section, shall when duly warned be liable to watch and ward in his town, either personally or by a sufficient substitute.

Sect. 2. The justices of the peace, the selectmen of the town, the sheriff of the county, the settled ministers of the gospel within the town, and all persons living more than two miles

from the place, where the watch or ward is kept, shall be exempted from the duties required by the preceding section.

Sect. 5. The watchmen shall walk the rounds, in and about the streets, wharves, lanes and principal inhabited parts, within each town, to prevent any danger by fire, and to see that good order is kept ; taking particular observation and inspection of all houses and families of evil fame ; and they shall in all things strictly observe the charge given them as aforesaid.

Sect. 7. When the inhabitants of any town shall determine that a watch shall be kept in any other manner, than is provided in this chapter, the expense thereof shall be defrayed in like manner as other town charges.

Extinguishment of Fires.

Chap. 18. Sect. 1. The inhabitants of each town, at their annual meeting, may elect such a number of suitable persons, to be firewards therein as shall be deemed necessary.

Sect. 2. Each person so elected shall have notice given thereof forthwith, and shall, within three days after such notice, enter with the town clerk his acceptance or refusal of the said office ; and if any person, after such notice, shall neglect to enter his acceptance or refusal as aforesaid, he shall, unless excused by the town, forfeit the sum of ten dollars, and the town may elect another in his place.

Sect. 3. When a fire shall break out in any town, it shall be the duty of the firewards immediately to repair to the place of such fire, and to carry with them a suitable staff or badge of their office.

Sect. 5. During the continuance of any fire, the said firewards or other officers, respectively may require assistance for extinguishing the same, and for removing any furniture, goods or merchandize, from any building on fire or in danger thereof ; and may appoint guards to secure the same ; and may also require assistance, for pulling down or demolishing any house or building, when they shall judge it necessary ; and may suppress all tumults and disorders at such fire.

Enginemen.

Sect. 9. The selectmen of such towns, as are or may be provided with one or more fire engines, shall, if they judge it expedient, appoint a number of suitable persons, for enginemen, who shall continue in said office during the pleasure of the selectmen.

Sect 10. The public fire engines in the several towns shall be manned by the number of persons and in the manner here following: to each common fire engine, there shall be appointed a number not exceeding thirty men; and to each hydraulion, or suction fire engine, a number not exceeding forty five men; and whenever said suction fire engines shall be suffered to go out of repair, and be used as common engines only, the said number of forty five men shall be reduced to the number of thirty; but this provision shall not affect the right, now existing in any city or town, to have a greater number of enginemmen appointed, than is herein prescribed.

Sect. 17. All enginemmen shall be exempted from ordinary military duty, and from serving as jurors or constables, during the time they may be employed in the service aforesaid.

Sect. 19. All persons duly appointed enginemman for any fire engine, and all persons duly appointed members of the fire department established in any town, and who shall have done duty as such, for one year preceding the first day of May, in each year, shall be entitled to receive from the treasurers of their respective towns, a sum equal to the poll tax to the stated county and towns (exclusive of highway taxes), which may have been paid by such persons, or by their parents, masters, or guardians.

Field Drivers.

Sect. 19. Each town shall, at its own expense, and in such places therein as the inhabitants shall direct, maintain one or more sufficient pounds, in which swine, sheep, horses, asses, mules, goats and neat cattle may be restrained and kept, for the causes mentioned in the one hundred and thirteenth chapter.

Sect. 21. Each town shall annually appoint a suitable person to be the keeper of each pound therein.

Sect. 22. Every field driver, within his town, shall take up, at any time, any swine, sheep, horses, asses, mules, goats or neat cattle, going at large in the public highways, or town ways, or on common and unimproved lands, and not under the care of a keeper; and he shall restrain them in any pound in such town; and for any cattle or beasts, so going at large on the Lord's day, the field driver or any other inhabitant of the town may recover, by an action of debt for each beast, the same amount of fees, which the field driver is entitled to receive for the like beasts, when distrained and impounded.

Board of Health.

Sect. 9. The board of health shall examine into all nuisances, sources of filth, and causes of sickness, that may, in their opinion, be injurious to the health of the inhabitants within their town, or in any vessel within the harbor of such town, and the same shall destroy, remove or prevent, as the case may require.

Sect. 10. Whenever any such nuisance, source of filth, or cause of sickness, shall be found on private property, the board of health or health officer, shall order the owner or occupant thereof, at his own expense, to remove the same within twenty four hours ; and if the owner or occupant thereof shall neglect so to do, he shall forfeit a sum not exceeding one hundred dollars.

Sect. 11. If the owner or occupant shall not comply with such order of the board of health, the board may cause the said nuisance, source of filth, or cause of sickness, to be removed ; and all expenses incurred thereby shall be paid by the said owner or occupant, or by such other person as shall have caused or permitted the same.

Sect. 41. When the small pox, or any disease dangerous to the public health, is found to exist in any town, the selectmen and board of health shall use all possible care to prevent the spreading of the infection, and to give public notice of infected places to travellers, by displaying red flags at proper distances, and by all other means, which in their judgment shall be most effectual for the common safety. — Chap. 21.

Of the Public Schools.

Sect. 1. Chap. 23. In every town, containing fifty families or householders, there shall be kept in each year, at the charge of the town, by a teacher or teachers of competent ability and good morals, one school for the instruction of children in orthography, reading, writing, English grammar, geography, arithmetic, and good behavior, for the term of six months, or two or more such schools, for the term of time, that shall together be equivalent to six months.

Sect. 2. In every town, containing one hundred families or householders, there shall be kept in each year one such school, for the term of twelve months, or two more such schools, for

terms of time, that shall together be equivalent to twelve months.

Sect. 3. In every town containing one hundred and fifty families or householders, there shall be kept in each year two such schools for nine months each, or three or more such schools, for terms of time, that shall together be equivalent to eighteen months.

Sect. 4. In every town, containing five hundred families or householders, shall, besides the schools prescribed in the preceding section, maintain a school, to be kept by a master of competent ability and good morals, who shall, in addition to the branches of learning before mentioned, give instruction in the history of the United States, book-keeping, surveying, geometry and algebra; and such last mentioned school shall be kept for the benefit of all the inhabitants of the town, ten months at least, exclusive of vacations, in each year, and at such convenient place, or alternately at such places in the town, as the inhabitants at their annual meeting shall determine; and, in every town containing four thousand inhabitants, the said master shall, in addition to all the branches of instruction, before required in this chapter, be competent to instruct in the Latin and Greek languages, and general history, rhetoric and logic.

Sect. 6. Any town, containing less than 500 families or householders, may establish and maintain such a school, as is first mentioned in the preceding section, for such term of time in any year, or in each year as they shall deem expedient.

Sect. 7. It shall be the duty of the president, professors, and tutors of the university at Cambridge, and of the several colleges, and of all preceptors and teachers of academies, and all others instructors of youth, to exert their best endeavors, to impress on the minds of children and youth, committed to their care and instruction, the principles of piety, justice, and a sacred regard to truth, love to their country, humanity and universal benevolence, sobriety, industry, and frugality, chastity, moderation, and temperance, and those other virtues, which are the ornament of human society, and the basis upon which a republican constitution is founded; and it shall be the duty of such instructors to endeavor to lead their pupils, as their ages and capacities will admit, into a clear understanding of the tendency of the above mentioned virtues to preserve and perfect a republican constitution, and secure the blessings of liberty,

as well as to promote their future happiness, and also to point out to them the evil tendency of the opposite vices.

Sect. 8. It shall be the duty of the resident ministers of the gospel, the selectmen, and the school committees, in the several towns, to exert their influence, and use their best endeavors, that the youth of their towns shall regularly attend the schools established for their instruction.

Sect. 10. The inhabitants of every town shall, at their annual meeting, choose, by written ballots, a school committee, consisting of three, five, or seven persons, who shall have the general charge and superintendence of all the public schools in such town.

Sect. 12. Any town, containing more than four thousand inhabitants, may choose an additional number, not exceeding six, on such committee.

Sect. 13. The school committee shall require full and satisfactory evidence of the good moral character of all instructors, who may be employed in the public schools in their town, and shall ascertain, by personal examination, their literary qualifications and capacity for the government of schools.

Sect. 14. Every instructor of a town or district school shall obtain, of the school committee of such town, a certificate in duplicate, of his qualifications, before he open such school, one of which shall be filed with the town treasurer, before any payment is made to such instructor on account of his services.

Sect. 15. The school committee shall determine the number and qualifications of the scholars, to be admitted into the school, kept for the use of the whole town, as aforesaid, and visit such school, at least quarter yearly, for the purpose of making a careful examination thereof, and of ascertaining that the scholars are properly supplied with books ; and they shall at such examination, inquire into the regulation and discipline of the school, and the habits and proficiency of the scholars therein.

Sect. 16. The school committee, or some one or more of them, shall for the purposes aforesaid, visit each of the district schools in their towns on some day during the first or second week after the opening of such schools, respectively, and also on some day during the two weeks preceding the closing of the same ; and shall also, for the same purpose, visit all the schools kept by the town, once a month, without giving previous notice thereof to the instructors.

Sect. 17. The school committee of each town shall direct what books shall be used in the several schools kept by the town; and may direct what books shall be used in the respective classes.

Sect. 19. The school committee of each town may procure, at the expense of the town, or otherwise, a sufficient supply of such class books, for all the schools aforesaid, and shall give notice of the place; where such books may be obtained; and the books shall be supplied to the scholars, at such prices, as merely to reimburse the expense of the same.

Sect. 20. In case any scholar shall not be furnished by his parent, master, or guardian, with the requisite books, he shall be supplied therewith by the school committee, at the expense of the town.

Sect. 21. The school committee shall give notice, in writing, to the assessors of the town, of the names of the scholars so supplied by them with books, and of the books so furnished, the prices, and the names of the parents, masters or guardians, who ought to have supplied the same; and said assessors shall add the price of the books so supplied, to the next annual tax of such parents, masters, or guardians; and the amount so added shall be levied, collected, and paid into the town treasury, in the same manner as the town taxes.

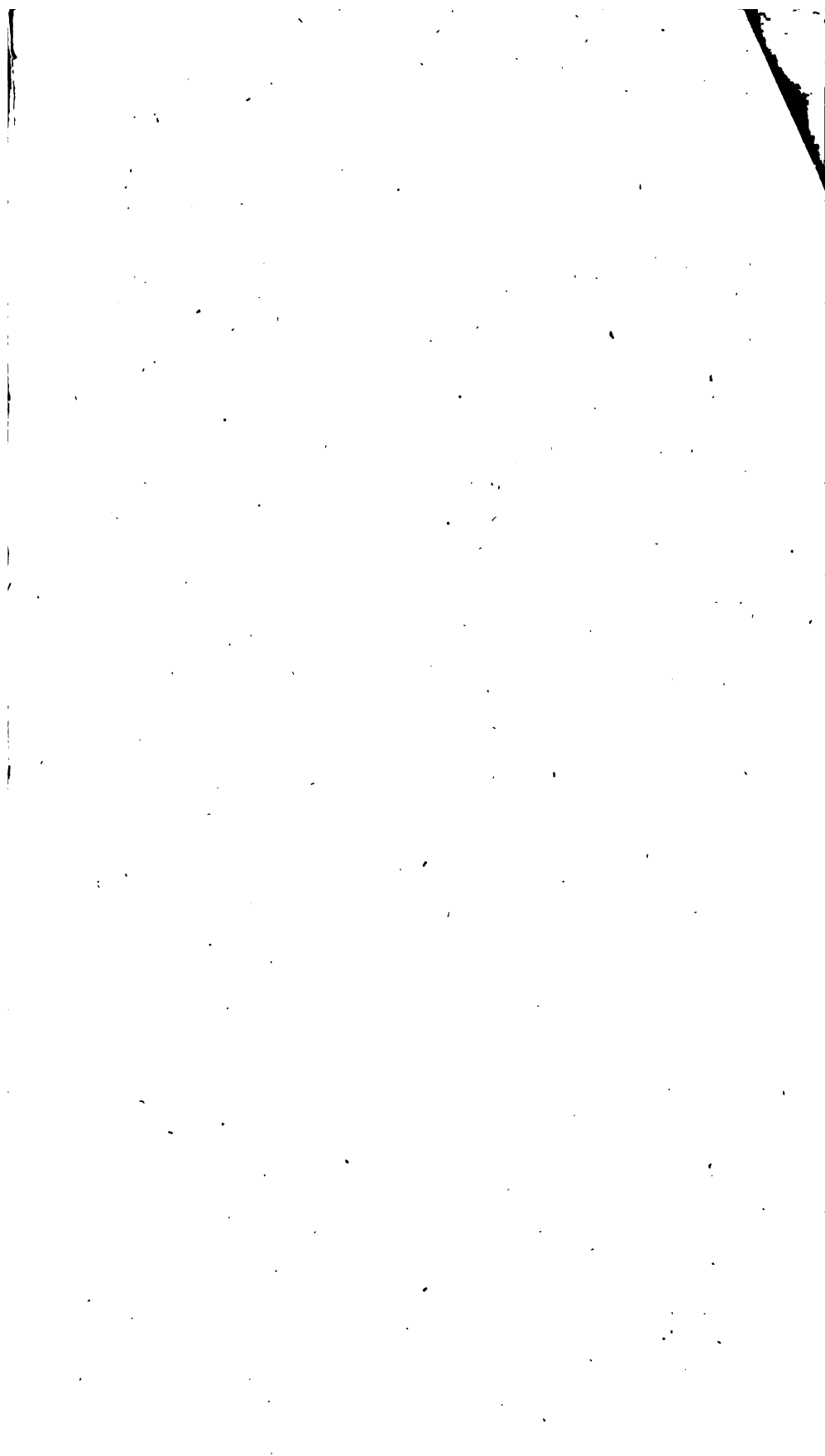
Sect. 22. In case the assessors shall be of opinion, that any such parent, master, or guardian is unable to pay the whole expense of the books so supplied on his account, they shall omit to add the price of such books, or shall add only a part thereof, to the annual tax of such parent, master or guardian, according to their opinion of his ability to pay.

Sect. 23. The school committee shall never direct to be purchased or used, in any of the town schools, any school books, which are calculated to favor the tenets of any particular sect of christians.

School Libraries.

It would be well for parents to keep in view the noble ACT passed the legislature of 1842, respecting Normal Schools and School District Libraries. The law provides, that the sum of fifteen dollars be taken from the school fund, to be expended in books for a School District Library, when fifteen dollars should first have been raised and appropriated. The order on the State Treasurer for the money must be endorsed by the selectmen of the respective towns.

“Approved March 3, 1842.”





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